

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Frank H. Boehm Jr. et al.      **EXAMINER:** David A. Bonderer

**CONTINUATION OF**

**SERIAL NO:** 10/365,187

**GROUP:** 3732

**FILED:** February 12, 2003

**DATED:** March 11, 2004

**FOR:**            **DEVICE AND METHOD FOR LUMBAR  
INTERBODY FUSION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination of this application, please enter and consider the following amendments and remarks.

**IN THE CLAIMS:**

Please cancel Claims 1-15 and 20 without prejudice.

**IN THE SPECIFICATION:**

On page 1, after the title, please insert the following paragraph:

--This application is a Continuation of co-pending U.S. Patent Application Serial No. 10/365,187, filed on February 12, 2003 which is a Divisional of U.S. Patent Application Serial No. 10/010,314 (now U.S. Patent No. 6,666,891) filed on November 13, 2001 which claims priority to U.S. Provisional Patent Appln. Serial No. 60/248,137, filed on November 13, 2000, the contents of which are incorporated herein by reference--

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**CERTIFICATE OF MAILING 37 C.F.R. § 1.10**

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date March 11, 2004 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL994585073 US addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: March 11, 2004

  
Paul J. Farrell